

**UNITED STATES BANKRUPTCY COURT**  
**District of New Jersey**

IN RE: **Kwadwo Osei Agyemang**

Case No.:

**14-24903**

Judge:

**Rosemary Gambradella**

Chapter:

**13**

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS - AMENDED

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☐ Original☒ Modified/Notice Required☒ Discharge Sought☒ Motions Included☐ Modified/No Notice Required☐ No Discharge SoughtDate: June 29, 2015

THE DEBTOR HAS FILED FOR RELIEF UNDER CHAPTER 13  
 OF THE BANKRUPTCY CODE.

**YOUR RIGHTS WILL BE AFFECTED.**

You should have received from the court a separate Notice of the Hearing on Confirmation of Plan, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
 IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
 THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

- a. The Debtor shall pay 700.00 Monthly\* to the Chapter 13 Trustee, starting on August 1, 2014 for approximately 60 months.
- b. The Debtor shall make plan payments to the Trustee from the following sources:
- ☒ Future Earnings
  - ☐ Other sources of funding (describe source, amount and date when funds are available):
- c. Use of real property to satisfy plan obligations:
- ☐ Sale of real property  
 Description: \_\_\_\_\_  
 Proposed date for completion: \_\_\_\_\_
  - ☐ Refinance of real property  
 Description: \_\_\_\_\_  
 Proposed date for completion: \_\_\_\_\_
  - ☐ Loan modification with respect to mortgage encumbering property  
 Description: \_\_\_\_\_  
 Proposed date for completion: \_\_\_\_\_

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:
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## Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$\_\_\_\_ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to \_\_\_\_ (creditor).

## Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Scott Itzkowitz, Esq.	Attorney Fees	1,500.00

## Part 4: Secured Claims

### a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Wells Fargo Home Equity	10 West Line Ave Vauxhall, NJ 07088	6,261.00	6.50	6,935.52	319.80

### b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**c. Surrender**

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
-NONE-			

**d. Secured Claims Unaffected by the Plan**

The following secured claims are unaffected by the Plan:

Creditor
PNC Bank, NA
Wells Fargo Bank Nv Na
Wells Fargo Hm Mortgag

**e. Secured Claims to be paid in full through the Plan**

Creditor	Collateral	Total Amount to be Paid through the Plan
Chase Manhattan Mortgage	10 West Line Ave Vauxhall, NJ 07088	45,972.23

**Part 5: Unsecured Claims**

**a. Not separately classified** Allowed non-priority unsecured claims shall be paid:

\_\_\_\_ Not less than \$ \_\_\_\_ to be distributed *pro rata*

\_\_\_\_ Not less than \_\_\_\_ percent

x  Pro rata distribution from any remaining funds

**b. Separately Classified Unsecured Claims** shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

**Part 6: Executory Contracts and Unexpired Leases**

All executory contracts and unexpired leases are rejected, **except** the following, which are **assumed**:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

## Part 7: Motions

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with a Chapter 13 Plan Transmittal Letter, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Proof of Service must be filed with the Clerk of Court when the Plan and Transmittal Letter are served.**

**Where a motion to avoid liens or partially avoid liens has been filed in the plan, a proof of claim filed that asserts a secured claim that is greater than the amount to be paid in the plan serves as opposition to the motion, and serves as an objection to confirmation. The proof of claim shall be served in accordance with D.N.J. LBR 3015-6(a). The creditor shall file a proof of service prior to the scheduled confirmation hearing. In order to prosecute the objection, the creditor must appear at the confirmation hearing, which shall be the hearing on the motion. Failure to appear to prosecute the objection may result in the motion being granted and the plan being confirmed pursuant to the terms as set forth in the plan.**

**a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).** The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
A.M.T., LLC	10 West Line Ave Vauxhall, NJ 07088	Judgment Lien	99,256.00	215,000.00	0.00	202,000.00	13,000.00
A.M.T., LLC	Location: 55 Stephen Terrace, Parsippany NJ 07054	Judgment Lien	99,256.00	465,000.00	0.00	551,945.00	99,256.00

**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.** The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
-NONE-		

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.** The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

## Part 8: Other Plan Provisions

**a. Vesting of Property of the Estate** Property of the Estate shall revest in the Debtor:

☒ Upon Confirmation  
☐ Upon Discharge

b. **Payment Notices** Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. **Order of Distribution** The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. **Post-petition claims** The Trustee is ☐, is not ☒ authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

e. **Other Provisions:**

\*This plan is a step plan or has lumpsum payments as follows: \$700.00 per month for 2 months, then \$1,620.00 per month for 6 months, then \$5,000.00 per month for 1 month, then \$1,620.00 per month for 51 months  
PNC Bank's claim of \$514,961.08 is for cosigning of a mortgage for Debtor's church and shall be unaffected by the plan, but will be discharged along with all other debts which are dischargeable under The U.S. Bankruptcy Code.

Chase Mortgage on Westline Avenue is being paid in full prorata through the plan including all interest owed. The interest rate on that loan is 5.75%.

Wells Fargo 2nd Mortgage on Westline Avenue is being paid long term outside the plan with the arrearages being paid in the plan, but is otherwise unaffected by the plan.

Wells Fargo 1st Mortgage on Stephen Terrace is being paid long term outside the plan, but is unaffected by the plan.

Wells Fargo 2nd Mortgage on Stephen Terrace is being paid long term outside the plan, but is otherwise unaffected by the plan.

AMT, LLC is a judgment lien against both properties. A motion to avoid this lien on each property is part of this plan.

Any mortgage which included in this plan which has an adjustable interest rate which is paid long term outside the plan and/or has an arrearage being paid through the plan shall be paid in accordance with the original terms as to the rate adjustment.

## Part 9 : Modification

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: April 17, 2015

Explain below <b>why</b> the Plan is being modified.	Explain below <b>how</b> the Plan is being modified
Corrected arrearages in accordance with filed proof of claims. Corrected Wells Fargo mortgage only to be arrearages in the plan, not the entire balance. Corrected other items as required by Chapter 13 Standing Trustee.	Corrected arrearages in accordance with filed proof of claims. Corrected Wells Fargo mortgage only to be arrearages in the plan, not the entire balance. Corrected other items as required by Chapter 13 Standing Trustee.
Are Schedules I and J being filed simultaneously with this modified Plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

## Part 10: Sign Here

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date July 2, 2015 /s/ Scott Itzkowitz, Esq.  
Scott Itzkowitz, Esq.  
Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date July 2, 2015 Signature /s/ Kwadwo Osei Agyemang  
Kwadwo Osei Agyemang  
Debtor

**Certificate of Notice Page 7 of 8**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Kwadwo Osei Agyemang  
 Debtor

Case No. 14-24903-RG  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: szive  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 34

Date Rcvd: Jul 07, 2015

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 09, 2015.

db +Kwadwo Osei Agyemang, 55 Stephen Terrace, Parsippany, NJ 07054-1459  
 cr +JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, Phelan Hallinan & Schmieg, PC,  
 400 Fellowship Road, Suite 100, Mt. Laurel, NJ 08054-3437  
 cr +WELLS FARGO BANK, N.A., Phelan Hallinan & Schmieg, PC, 400 Fellowship Road, Suite 100,  
 Mt. Laurel, NJ 08054-3437  
 514929029 +A.M.T., LLC, C/O Cutolo Mandel LLC, 151 Highway 33 East, Suite 204,  
 Manalapan, NJ 07726-8635  
 514929030 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238  
 (address filed with court: Bank Of America, Po Box 982235, El Paso, TX 79998)  
 514929031 Bank of America, Po Box 15019, Wilmington, DE 19886-5019  
 514929036 ++CITIBANK, PO BOX 790034, ST LOUIS MO 63179-0034  
 (address filed with court: Citibank Sd, Na, Attn: Centralized Bankruptcy, Po Box 20363,  
 Kansas City, MO 64195)  
 514929033 +Chase, P.O. Box 15298, Wilmington, DE 19850-5298  
 514929032 +Chase, Po Box 24696, Columbus, OH 43224-0696  
 514929034 +Chase Manhattan Mortgage, Attn: Bankruptcy Dept, 3415 Vision Dr, Columbus, OH 43219-6009  
 514929035 +Chase Mht Bk, Attention: Bankruptcy, Po Box 15298, Wilmington, DE 19850-5298  
 515190288 +JPMorgan Chase Bank, National Association, Chase Records Center Attn: Correspondenc,  
 Mail Code LA4-5555, 700 Kansas Lane, Monroe, LA 71203-4774  
 514981000 +NJCLASS, PO Box 548, Trenton, NJ 08625-0548  
 515162666 Navient Solutions, Inc., P.O. Box 9640, Wilkes-Barre, PA 18773-9640  
 515006490 +PNC BANK, P O BOX 94982, CLEVELAND OHIO 44101-4982  
 515046921 +PNC Bank, PO Box 94982, Cleveland, OH 44101-4982  
 515059000 +PNC Bank NA, PO Box 94982, Cleveland, OH 44101-4982  
 514929040 +State Of Nj Student As, Po Box 548, Attn: Bankruptcy Department, Trenton, NJ 08625-0548  
 514929041 +U S Dept Of Ed/fisl/at, Attn: Bankruptcy, 61 Forsythe St Room 19t89,  
 Atlanta, GA 30303-8928  
 515261780 U.S. Department of Education, PO Box 16448, St. Paul, MN 55116-0448  
 515603896 ++WELLS FARGO BANK NA, WELLS FARGO HOME MORTGAGE AMERICAS SERVICING,  
 ATTN BANKRUPTCY DEPT MAC X7801-014, 3476 STATEVIEW BLVD, FORT MILL SC 29715-7203  
 (address filed with court: Wells Fargo, 8480 Stagecoach Circle, Frederick, MD 21701)  
 514929043 +Wells Fargo Bank Nv Na, Attn: Deposits Bankruptcy MAC# P6103-05K, Po Box 3908,  
 Portland, OR 97208-3908  
 515182683 +Wells Fargo Bank, N.A., Attention: Bankruptcy Department, MAC #D3347-014,  
 3476 Stateview Blvd, Fort Mill, SC 29715-7203  
 515113856 +Wells Fargo Bank, N.A., 1 Home Campus, MAC X2303-01A, Des Moines, IA 50328-0001  
 515177539 +Wells Fargo Bank, N.A. et.al., WELLS FARGO BANK, N.A., Attention: Bankruptcy Department,  
 MAC# #D3347-014, 3476 Stateview Boulevard, Fort Mill, SC 29715-7203  
 514929045 +Wells Fargo Home Equity, PO Box 31557, Billings, MT 59107-1557  
 515168991 eCAST Settlement Corporation, assignee, of Citibank (South Dakota), N.A., POB 29262,  
 New York, NY 10087-9262

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 smg E-mail/Text: leah.bynon@usdoj.gov Jul 07 2015 21:58:41 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Jul 07 2015 21:58:38 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 514964814 E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Jul 07 2015 21:56:50  
 American InfoSource LP as agent for, Midland Funding LLC, PO Box 268941,  
 Oklahoma City, OK 73126-8941  
 514929037 E-mail/Text: cio.bncmail@irs.gov Jul 07 2015 21:58:00 Internal Revenue Service,  
 Philadelphia, PA 19255-0021  
 514929038 +E-mail/Text: bankruptcydpt@mcsmcg.com Jul 07 2015 21:58:37 Midland Funding,  
 8875 Aero Dr Ste 200, San Diego, CA 92123-2255  
 514929039 +E-mail/PDF: pa\_dc\_claims@navient.com Jul 07 2015 21:57:01 Sallie Mae, Po Box 9655,  
 Wilkes Barre, PA 18773-9655  
 514929042 +E-mail/Text: collect@williamsalexander.com Jul 07 2015 21:58:16 Waassociates, Po Box 2148,  
 Wayne, NJ 07474-2148

TOTAL: 7

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

514929044\* ++WELLS FARGO BANK NA, WELLS FARGO HOME MORTGAGE AMERICAS SERVICING,  
 ATTN BANKRUPTCY DEPT MAC X7801-014, 3476 STATEVIEW BLVD, FORT MILL SC 29715-7203  
 (address filed with court: Wells Fargo Hm Mortgag, 8480 Stagecoach Cir,  
 Frederick, MD 21701)

TOTALS: 0, \* 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0312-2

User: szive  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 34

Date Rcvd: Jul 07, 2015

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jul 09, 2015

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 2, 2015 at the address(es) listed below:

Andrew L. Spivack	on behalf of Creditor	WELLS FARGO BANK, N.A. nj.bkecf@fedphe.com
Andrew L. Spivack	on behalf of Creditor	JPMORGAN CHASE BANK, NATIONAL ASSOCIATION nj.bkecf@fedphe.com
Jennifer R. Gorchow	on behalf of Creditor	WELLS FARGO BANK, N.A. nj.bkecf@fedphe.com, Erika.olsen@fedphe.com
Jennifer R. Gorchow	on behalf of Creditor	JPMORGAN CHASE BANK, NATIONAL ASSOCIATION nj.bkecf@fedphe.com, Erika.olsen@fedphe.com
John Philip Schneider	on behalf of Creditor	WELLS FARGO BANK, N.A. nj.bkecf@fedphe.com
John Philip Schneider	on behalf of Creditor	JPMORGAN CHASE BANK, NATIONAL ASSOCIATION nj.bkecf@fedphe.com
Marie-Ann Greenberg	magecf@magtrustee.com	
Scott M. Itzkowitz	on behalf of Debtor Kwadwo Osei Agyemang	scottitzkowicz@aol.com
		TOTAL: 8